



### ***III. PARTIES***

3. Plaintiff, Kristi Coleman, is a natural person with a permanent residence in South Boston, Suffolk County, Massachusetts 02127.
4. Upon information and belief Defendant, Continental Service Group, Inc., is a corporation engaged in the business of collecting debt in this state and in several other states, with its principal place of business located at 200 Cross Key Office Park, Fairport, Monroe County, New York, 14450. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.
5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

### ***IV. FACTUAL ALLEGATIONS***

6. Upon information and belief, Defendant began placing collection calls to Plaintiff on or before December of 2010.
7. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment.

8. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, stated to Plaintiff, "Your loan is in default; we will garnish wages.
9. Upon information and belief, Defendant does not have the ability or authority to garnish Plaintiff's wages.
10. Plaintiff has informed Defendant on numerous occasions that her employer does not allow her to receive personal calls at work and that it was inconvenient.
11. On March 15, 2011, Defendant, in connection with the collection of the alleged debt, by its agent who identified himself as 'Kurt', attempted to contact Plaintiff at her place of employment after being informed numerous times that Plaintiff's employer does not allow such calls.
12. Within one (1) year preceding the date of this Complaint, Defendant, in connection with the collection of the alleged debt, has made several calls to Plaintiff's place of employment on a continued basis with the intent to harass, abuse and annoy Plaintiff and her co-workers.

**V. CLAIM FOR RELIEF**

13. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.
14. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:
  - (a) Defendant violated §1692c(a)(1) of the FDCPA by communicating at a time or place known or which should be known to be inconvenient to Plaintiff; and

- (b) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of an alleged debt; and
- (c) Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly and/or continuously with the intent to annoy, abuse or harass any person at the called number; and
- (d) Defendant violated §1692e of the FDCPA by using a false, deceptive, or misleading representation or means in connection with the collection of the alleged debt; and
- (e) Defendant violated §1692e(4) of the FDCPA by giving the false representation or implication that nonpayment of the alleged debt will result in garnishment of wages of any person when such action is unlawful and the Defendant or alleged creditor does not intend to take such action; and
- (f) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt.

15. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

16. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff, Kristi Coleman, for declaratory judgment that Defendant's conduct

violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

**WHEREFORE**, Plaintiff respectfully requests that judgment be entered against Defendant, Continental Service Group, Inc., for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA.
- B. Actual damages.
- C. Statutory damages pursuant to 15 U.S.C. § 1692k.
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
- E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law.
- F. For such other and further relief as the Court may deem just and proper.

#### **VI. DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff, Kristi Coleman, demands trial by jury in this action.

This 21<sup>th</sup> day of June, 2011.

ATTORNEY FOR PLAINTIFF  
Kristi Coleman

Respectfully submitted,  
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